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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 PHILLIP JOSEPH JOHNSON,

12 Plaintiff,

13 v.

14 TRINH, *et al.*,

15 Defendants.
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No. 1:23-cv-0241 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER
(Docs. 3, 10)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
PLAINTIFF'S MOTION FOR COURT
ORDER
(Docs. 17, 20)

19 Phillip Joseph Johnson is a state prisoner proceeding *pro se* and *in forma pauperis* in this
20 civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff's complaint has not yet been screened.

21 On February 17, 2023, Plaintiff filed a motion for preliminary injunction and temporary
22 restraining order preventing his transfer between CDCR institutions and mental health level of
23 care. (Doc. 3 at 4-5.) On February 21, 2023, the assigned magistrate judge issued Findings and
24 Recommendations, recommending that Plaintiff's motion for preliminary injunction and
25 temporary restraining order be denied. (Doc. 10.) The Findings and Recommendations were
26 served on Plaintiff and contained notice that any objections were to be filed within 14. (*Id.* at 4.)
27 Following an extension of time, Plaintiff's objections were due on or before April 11, 2023.
28 (Docs. 14, 19.) However, Plaintiff did not file objections, and the deadline to do so has expired.

On March 13, 2023, while the Findings and Recommendations were pending, Plaintiff filed a motion for a court order, which the Court construed as a motion for preliminary injunction regarding production of Plaintiff's property and access to the prison law library following his transfer to a new institution. (Docs. 17, 20.) The magistrate judge found Plaintiff made "no showing that he will suffer irreparable harm in the absence of an injunction, that the balance of equities tips in his favor, or that an injunction is in the public interest." (Doc. 20 at 3.) Thus, the magistrate judge recommended the motion be denied. (*Id.*) The Court served the Findings and Recommendations on Plaintiff on March 15, 2023, and the Court informed him that any objections were due within 14 days. (*Id.* at 14) Plaintiff again did not file any objections and the second deadline has also expired.

According to 28 U.S.C. § 636 (b)(1)(C), this Court conducted a *de novo* review of the case. Having carefully reviewed the entire action, the Court concludes the Findings and Recommendations issued on February 21, 2023 (Doc. 10) and March 15, 2023 (Doc. 20) are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on February 21, 2023 (Doc. 10) and March 15, 2023 (Doc. 20) are **ADOPTED** in full.
2. Plaintiff's motion for preliminary injunction and temporary restraining order, (Doc. 3) is **DENIED** without prejudice.
3. Plaintiff's motion for court order (Doc. 17) is **DENIED** without prejudice.
4. The matter is referred to the assigned Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: May 5, 2023


UNITED STATES DISTRICT JUDGE